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~~ADMINISTRATIVE-INTERNAL USE ONLY~~

8 FEB 1972

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Non-Standard Workweek--Central Reference Service

REFERENCE : Memo for Executive Director-Comptroller for D/Pers,
subject: Non-Standard Work Schedules dtd 21 Dec 71

1. A recommendation for your approval is contained in paragraph 5.

2. The Director, Central Reference Service has requested approval of the attached irregular work schedule for CES Computer Operators. This proposal provides for four teams each composed of four employees, currently in grades GS-07 through GS-11. Each team would work one workweek of three 12-hour days and another workweek of three 12-hour days and one 8-hour Sunday within each 80-hour pay period. Thus, in every case a total of 80 work hours are scheduled in each two-week pay period.

3. The Director, Central Reference Service has stated that adoption of this procedure would be of operational advantage in the computer center which now operates 24 hours, seven days per week, on eight-hour shifts. This results in 42 shift changes in a two-week period. The requested work schedule would reduce the number of these shift changes to 30. The resulting reduction in confusion and wasted effort would be of considerable benefit. The proposed work schedule will eliminate scheduled computer center overtime which averaged \$1,350 per pay period during the last quarter of 1971.

4. In accordance with pertinent provisions of paragraphs ten and eleven of the referent, the following guidelines would govern leave and pay accounting under the proposed schedule:

A. Employees grade GS-11 and below would be paid overtime for work in excess of 80 hours in a two-week, 80-hour pay period.

B. Employees in grades GS-12 through GS-14 would receive either overtime payment or compensatory time for directed overtime worked in excess of 96 hours in a two-week, 80-hour pay period.

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SUBJECT: Non-Standard Workweek--Central Reference Service

C. Employees who perform scheduled or directed work on a holiday would receive holiday pay for hours worked not in excess of 12 within a scheduled workday. When a holiday falls on a non-workday, the preceding workday will be considered the holiday.

D. Annual and sick leave would be charged according to leave taken during the employee's scheduled work hours.

E. Otherwise the provisions of [] including those governing work on Sunday and on night differential would apply without change to employees under this schedule. STATINTL

5. We do not have enough experience with the system to determine if it is operationally advantageous to the Agency. It may be that the reduced number of shift changes and the shorter workweek with elimination of overtime will increase efficiency. However, it may be that employees cannot work efficiently for 12 hours at a time. Therefore, I recommend that you approve the attached work schedule for the CRS Computer Section for a trial period of six months. The Director, Central Reference Service will evaluate the implementation of this schedule and submit quarterly reports on its effectiveness.

/s/Harry B. Fisher

Harry B. Fisher
Director of Personnel

Attachments

CONCUR:

/s/ Harry C. Eisenbeiss
Director, Central Reference Service

8 Feb. '72
Date

A /s/ Thomas B. Gale
Director of Finance

29 Feb. '72
Date

The recommendation contained in paragraph 5 is approved:

for /s/ Robert S. Ladd
Deputy Director for Support

7 Mar. '72
Date

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SUBJECT: Non-Standard Workweek--Central Reference Service

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Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0

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28 FEB 1972

MEMORANDUM FOR: Acting Director of Finance

SUBJECT : Irregular Workweek, Central Reference Service

REFERENCE : Memo to D/Pers fr AD/Fin dtd 17 Feb 72, Same Subject

1. Your points in the attached memorandum are well taken. We had considered these possible inequities at the time we formulated our planning for the policy concerning irregular workweeks.

2. To go back to our thoughts then, the rationale for DD/S approval of non-standard workweeks was based on: (a) the irregular schedules had to be operationally in the best interests of the Agency's mission and (b) the schedules would apply only to around-the-clock coverage seven days a week.

3. We found that our machine accounting procedures could handle such non-standard work schedules if the schedules were organized within an 80-hour accounting period framework. We, therefore, concentrated on that factor. We considered the possible inequities that you have mentioned in your memorandum, particularly in terms of holiday time not exceeding eight hours. We found that in order to preserve equities for the employee on a standard workweek where holiday time was concerned we had to create what might be considered inequities for the employee required to serve a non-standard workweek in the best interest of the Agency, i.e., limiting him to only eight hours of holiday pay when his regularly scheduled workday fell on a holiday; or charging him a portion of forced leave for his holiday when he did not work; or ignoring the rationale for the non-standard schedule by demanding additional overtime, even if compensatory in nature. STATINTL

4. We wanted to retain as many of the provisions of [] as we could in developing our concept of a non-standard workweek. It soon appeared that a too precise application of these many provisions would lead us into such complexities that the particular purpose for a given non-standard schedule would be lost. Therefore, balancing one possible inequity against another, we thought it best to keep the guidelines governing accounting procedures as simple as possible within the 80-hour time frame and we accordingly expanded the eight-hour maximum for holiday pay to a 12-hour maximum where the 12-hour day was a regularly scheduled day within the employee's non-standard workweek. There will be times when a holiday falls within the 12-hour day workweek and an employee will work only 68 hours for his biweekly paycheck instead of 72. Because these schedules involve changing shifts over the year, we doubt if any single employee will benefit to the tune of nine holidays in his total annual paychecks (the standard workweek employee always will).

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5. We should like to establish the guidelines as set forth in my memorandum to the Executive Director-Comptroller for the Central Reference Service non-standard workweek. As you will note, this is for a trial period of six months and the Director, Central Reference Service will submit quarterly reports on its effectiveness. We intend to monitor these schedules, continue to discuss them with you, and if future adjustments must be made we will then be able to consider them on the basis of experience.

/s/Harry B. Fisher

Harry B. Fisher
Director of Personnel

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DD/Pers/ ^{Diplomats Subject}
:pjs (24 Feb 72)

STATINTL

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Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0

Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0

17 FEB 1972

MEMORANDUM FOR: Director of Personnel

SUBJECT : Irregular Workweeks

REFERENCES : (a) Memo to Exec. Dir-Compt. fr Dir/OP, dtd. 21 Dec 71,
Subj : Non-Standard Work Schedules
(b) Memo to DD/S fr Dir/OP, dtd. 8 Feb 72, Subj : Non-
Standard Workweek - Central Reference Service

1. In the discussions between representatives of our Offices concerning administration of the policies contemplated by reference (a), it was generally understood that we would necessarily get down to complete specifics in the first proposal considered for formal approval.

2. Reference (b) represents that first proposal. There appears to be complete agreement on the following procedural details for administering the policies contemplated:

- a. Each regularly scheduled biweekly administrative work period will be comprised of six 12-hour days and one 8-hour day, the 8-hour day always to be on Sunday; whenever an additional four hours on Sunday is worked, it will be considered overtime subject to the general policies governing overtime entitlements.
- b. The four additional hours (above eight) of a regularly scheduled 12-hour day will not be considered overtime.
- c. Leave will be accrued in a normal fashion based on a regular 80-hour workweek.
- d. Time and attendance reports will be completed in accordance with time actually worked in relation to regularly scheduled work periods (we are working on a set of sample T&A's illustrating various conditions for the guidance of the T&A Clerks).
- e. All portions of regularly scheduled time not worked are to be considered leave; all time worked outside the regular schedule is overtime, subject to the governing policies. Thus absence on a 12-hour workday will result in a 12-hour leave charge; absence on a Sunday workday will result in an 8-hour leave charge.

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SUBJECT : Irregular Workweeks

- f. An employee's holiday for a holiday falling on any nonworkday will always be the last preceding regularly scheduled workday.

3. There seems to be a lack of agreement on a single facet of the required procedures, i.e., the treatment of holidays for pay and leave purposes. Reference (a) interpreted literally apparently contemplates that an employee working the 12 hours of a regularly scheduled workday which is his holiday will receive 12 hours of holiday pay and conversely an employee who does not work on a holiday which comprises a regularly scheduled 12-hour day will not be charged any leave. We believe this aspect of the proposal should be reexamined both because it seemingly contravenes a specific provision of law, 5 U.S.C.A. 5546, attached; (no formal rationale has been introduced into any discussion of which we are aware for this position) and because it introduces apparently obvious inequities as between employees on 12-hour workdays and employees on 8-hour workdays.

4. More specifically, an employee absent on a 12-hour workday falling on a holiday will, if not charged four hours leave, work only 68 hours for his regular biweekly paycheck instead of 72 hours. There are nine holidays during the year so that if an employee works on none of his holidays, he may work up to 36 hours less time (an employee's holiday may in some circumstances fall on a Sunday in which case he also would have a 72-hour workweek) than would employees on normal work schedules. Conversely employees working a 12-hour workday falling on a holiday will if paid 12 hours holiday time receive more pay than would an 8-hour workday employee who works 12 hours on the same holiday. The latter employee depending upon his grade would receive overtime for the four hours or nothing if GS-12 or above. As another example of the inequity, an employee on the proposed irregular work schedule who is on leave for a full period including a holiday would be charged only 68 hours leave whereas an employee on a regular schedule absent for the same period would be charged 72 hours leave.

5. We believe that employees should be limited to eight hours of holiday pay and that for absences on holidays comprising a 12-hour regularly scheduled workday, four hours leave should be charged. In recognition of the factor that this policy may if employees consistently do not work on holidays represent an uncontrolled use of leave (up to 36 hours), we believe employees could, if desired by management, be scheduled to work up to a corresponding amount of overtime to be reported as compensatory time. It is suggested this practice be extended to employees GS-12 and above as an exception to established policies.

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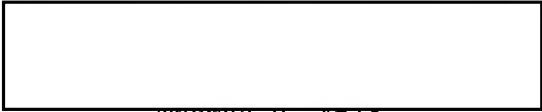
SUBJECT : Irregular Workweeks

6. Should there be agreement on the above recommendations, there follows suggested substitute language for paragraph 4c of reference (b):

Employees who perform directed work on a holiday would receive holiday pay for hours worked within regularly scheduled time not in excess of eight; scheduled time on a holiday in excess of eight must be worked or charged as leave or compensatory time. Employees charged leave in such circumstances may be authorized to work a corresponding amount of overtime for credit as compensatory time, without regard to grade. When a holiday falls on a nonworkday, the preceding workday will be considered the holiday.

7. We shall be glad to discuss this matter with you in greater detail.

STATINTL


Thomas B. Hale
Acting Director of Finance

Attachment
5 U.S.C.A. 5546

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5 § 5546**EMPLOYEES****Ch. 55**

Commissioners of the District of Columbia, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—

(1) in excess of 8 hours; or

(2) overtime work as defined by section 5542(a) of this title.

(c) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.

(d) An employee who performs overtime work as defined by section 5442(a)¹ of this title on a Sunday or a designated holiday is entitled to pay for that overtime work in accordance with section 5542 (a) of this title.

(e) Premium pay under this section is in addition to premium pay which may be due for the same work under section 5545(a) and (b) of this title, providing premium pay for nightwork. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 488; Pub.L. 90-83, § 1(29), Sept. 11, 1967, 81 Stat. 201.

¹ So in original.

Historical and Revision Notes**Reviser's Notes****1966 Act**

Derivation: United States Code
5 U.S.C. 922

Revised Statutes and Statutes at Large
June 30, 1943, ch. 212, § 302, 59 Stat. 298.
May 24, 1946, ch. 270, § 11, 60 Stat. 218.
Sept. 1, 1954, ch. 1208, § 207, 68 Stat. 1110.
July 18, 1958, Pub.L. 85-533, 1, § 72 Stat. 377.

Explanatory Notes.

In subsections (a) and (b), the word "officer" is omitted as included in "employee".

In subsections (b) and (c), the word "designated" is substituted for "such a" and "such" in former section 922(b) and (c) to identify the holiday as one design-

nated by statute, Executive order, or the Board of Commissioners of the District of Columbia.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 Act

Section of title 5	Source (U.S.Code)	Source (Statutes at Large)
5546(a)	5 App.: 921a	July 18, 1966, Pub.L. 89-504, § 405(b) (1), (c), 80 Stat. 297.

In subsection (a), the words "An employee who performs * * * work * * * is entitled to pay * * * at the rate of his basic pay" are coextensive with and substituted for "Any * * * service * * * performed * * * shall be compensated * * * at the rate of basic compensation of the officer or employee performing such

work." The words "section 5542(a) of this title" are substituted for "section 201 of this Act" to reflect the codification of that section in title 5, United States Code. The words "between midnight Saturday and midnight Sunday" are coextensive with and substituted for "within the period commencing at midnight Saturday and ending at midnight Sunday".

Ch. 55

PAY ADMINISTRATION

5 § 5546

That the 15% premium compensation under this section would often work out to less than straight time for alcohol and tobacco tax investigators did not preclude coverage. *Id.*

Premium compensation for overtime work by government employee when hours of duty cannot be controlled administratively and regularly scheduled overtime relate to independent, mutually exclusive methods for compensating two distinct forms of overtime work. *Burich v. U. S., Ct.Cl.1966, 386 F.2d 984.*

Where United States deputy marshal received regular assignments which resulted in erratic and irregular periods of overtime work, his additional duty hours represented administratively uncontrollable overtime rather than regularly scheduled overtime and were compensable by premium payments rather than overtime pay. *Id.*

Claim by federal deputy marshal for compensation owing for annual leave forfeited due to necessary work and time allowed for sick leave earned but unused did not support claim for overtime compensation. *Id.*

Where civil service employees of Civil Defense Administration served many of their duty officer tours at night at control center, they were entitled to night pay differential in addition to regular overtime compensation. *Rapp v. U. S., 1964, 340 F.2d 635, 167 Ct.Cl. 852.*

The removal of investigators of Alcohol and Tobacco Tax Division, Internal Revenue Service, in San Francisco and Omaha regions from purview of this section's provision for 15% premium overtime, while investigators of other seven regions were being compensated under the same Act, was arbitrary and unreasonable in view of established record of overtime performed by such investigators under compulsion of duty and directive.

Byrnes v. U. S., 1961, 330 F.2d 936, 163 Ct.Cl. 167.

Investigators whose hours of duty could not be controlled administratively, and whose position required substantial amounts of irregular, unscheduled overtime, night and holiday duty were entitled to annual premium pay of 15% in lieu of overtime. *Id.*

Where tour of duty of fire fighters at various army posts was sixty hours a week, consisting of two twenty-four-hour shifts and one twelve-hour shift during which they were required to remain at their posts of duty, fire fighters, who were presumed to spend twenty hours of time in eating and sleeping, were not entitled to compensation for more than forty hours per week prior to November 1, 1951 in view of fact that amount of labor performed by them within twenty-hour period was inconsequential. *Dean v. U. S., Ct.Cl.1959, 175 F.Supp. 166.*

Where federal employee, correctional officer in charge of cottage in which inmates of women's reformatory lived, in addition to 40 hour week had to remain overnight at cottage on alternate nights during which time she was subject to call of individual inmates and to outside telephone calls from officer of the day, hospital and guards, employee was "on duty" and entitled to nighttime differential and overtime pay. *Farley v. U. S., 1955, 127 F.Supp. 562, 131 Ct.Cl. 776.*

Where an immigration inspector is expected to complete his assignments and such completion can only be accomplished by working overtime, a fact well known by the Immigration Service officials who, as a matter of policy withheld written authorization or approval of such overtime, the inspector has been induced to work overtime and should be paid. *Adams v. U. S., 1963, 162 Ct.Cl. 766.*

§ 5546. Pay for Sunday and holiday work

(a) An employee who performs work during a regularly scheduled 8-hour period of service which is not overtime work as defined by section 5542(a) of this title a part of which is performed on Sunday is entitled to pay for the entire period of service at the rate of his basic pay, plus premium pay at a rate equal to 25 percent of his rate of basic pay.

(b) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the Board of

ADMINISTRATIVE - INTERNAL USE ONLY

22 December 1971

MEMORANDUM FOR: Deputy Director for Support
THROUGH: Deputy Director for Intelligence *JP*
SUBJECT: Approval for 12-Hour Day

1. This memorandum requests your approval for a 12-hour day, 80-hour biweekly work schedule for the CRS computer operators. They would work three 12-hour days one week (36), with an additional eight hours' Sunday work every other week (44).

2. This procedure would be of operational advantage to the Agency. The computer now operates 24 hours, seven days per week on eight-hour shifts. This results in 42 shift changes in a two-week period. The requested work schedule would reduce the number of shift changes in a two-week period to 30. Because each shift change can result in confusion or wasted effort, the reduction in the number of changeovers is beneficial.

3. The requested work schedule should also result in a saving. It will eliminate scheduled computer center overtime which is running at a rate of about \$1350 per pay period in the last quarter of 1971.

4. The computer operators are generally in favor of the change. While they will suffer some loss in income, they will gain either a three or four-day weekend.

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SUBJECT: Approval for 12-Hour Day

5. The present system will soon result in the operators becoming so used to overtime that they will be unable to get along without it. I prefer to prevent such a condition in these days of uncertain budgets and economic pressures.

[Redacted Signature]

STATINTL

H. C. EISENBEISS

Director, Central Reference Service

APPROVED.

[Redacted Signature]

Deputy Director for Intelligence

22 Dec 71
Date

See memo dtd 8 Feb 72 for DDIS for D/Pers (DDIS 72-0812)
Deputy Director for Support Date

ADMINISTRATIVE - INTERNAL USE ONLY

Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0
 Irregular Work Schedule Proposed for Central
 Reference Service Computer Center - 12 January 1972

		SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
FIRST WEEK	00:00	A	A	A	A	C	C	C	00:00
		A	A	A	A	C	C	C	
	0800	A	A	A	A	C	C	C	
		A	A	A	A	C	C	C	
	1200	B	B	B	B	D	D	D	
		B	B	B	B	D	D	D	
	1600	B	B	B	B	D	D	D	
		B	B	B	B	D	D	D	
	2400	B	B	B	B	D	D	D	2400
SECOND WEEK	00:00	C	A	A	A	C	C	C	00:00
		C	A	A	A	C	C	C	
	0800	C	A	A	A	C	C	C	
		C	A	A	A	C	C	C	
	1200	D	B	B	B	D	D	D	
		D	B	B	B	D	D	D	
	1600	D	B	B	B	D	D	D	
		D	B	B	B	D	D	D	
	2400	D	B	B	B	D	D	D	2400

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ajc 71-1830

Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0

21 DEC 1971

71/4/896

MEMORANDUM FOR: Executive Director-Comptroller

Executive Registry

SUBJECT : Non-Standard Work Schedules

71-6416

1. This memorandum submits a recommendation for your approval. Such recommendation is contained in paragraph 11.
2. The Office of Personnel has completed a series of studies to determine the parameters within which the Agency might accommodate non-standard workweek arrangements which are considered to be operationally advantageous to the missions of the Agency components involved.
3. The studies included reviews of proposals advanced by the Foreign Missile and Space Analysis Center, the Office of EHMFT and the Central Reference Service to adjust current 24-hour shifts to non-standard workweeks. Included also was the proposal submitted on 1 September 1971 by the Management Advisory Group for the adoption of three-day workweeks in the Headquarters computer centers.
4. These proposals cited strong benefits which would accrue if non-standard workweek arrangements in exception to current Agency regulations were adopted. Some of these benefits are:
 - a. Continuity of Operations. In the case of FMSAC, the most significant benefit in establishing a basic 12-hour regular work shift is that all members of the working teams can interact with the regular work force in FMSAC for periods up to four hours each of their working shifts. This interaction is deemed critical to establishment of truly competent FMSAC analyses of foreign missile and space activities on a 24-hour-a-day basis. The "normal" three shifts of eight hours each have clearly demonstrated that individuals working the midnight to 8:00 a.m. shift lack contacts and analytic interchanges with the total regular work force of FMSAC, and suffer thereby.
 - b. Manpower Savings. In certain instances savings in total manpower necessary to man 24-hour shifts could be accomplished by the adoption of the two-shift, 12-hour-a-day arrangement. FMSAC, for example, would be able to eliminate at least one slot if such a work schedule were adopted.
 - c. Overtime Savings. In manning a schedule that calls for 24-hour operations six or seven days a week, overtime, particularly within current ceiling limitations, becomes a significant factor. By adjusting workweek schedules to regularly scheduled 12-hour-a-day shifts without overtime, payment for overtime work on Saturdays and Sundays can be considerably reduced or eliminated altogether. For example, under the

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downgrading and
declassification

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proposal forwarded by CRS, four teams working one three-day workweek of 12-hour shifts and a second workweek of three-day, 12-hour shifts plus one eight-hour shift on Sunday could accomplish its mission of total coverage without any overtime within an 80-hour pay period.

d. Increased Productivity. This factor would be especially significant for the Agency's computer centers. Typically, in such centers, a worker may spend up to 45 minutes after his arrival on the job in preparing for his day's work. At the end of his shift he may spend up to 30 minutes preparing to close down for the day. In a five-day workweek this may represent a "loss" of six hours and 15 minutes per employee. In a three-day workweek this loss represents only three hours and 45 minutes.

e. Reduction of Employee Turnover. The adoption of two regularly scheduled 12-hour work shifts in place of the current three regularly scheduled eight-hour work shifts would eliminate the graveyard shift which is a constant source of personnel problems. It is anticipated that the adoption of a non-standard workweek of basically three days plus a fourth eight-hour day would bring about a reduction in employee turnover, would enhance recruitment efforts and would increase the quality of personnel brought on board.

5. The Office of Personnel studies took into consideration the legal and medical aspects of such non-standard work schedules as well as the administrative problems attendant upon accurate reporting and accounting procedures covering hours of work.

6. In terms of the legal aspects, the Office of General Counsel has taken the position that the Agency can establish its own work schedules, but it has strongly urged that we change our Regulations to conform with what we are doing.

7. The Director of Medical Services has stated that while he could not say categorically that such irregular schedules would be harmful, a 12-hour workday would tend to decrease an employee's effectiveness in a situation where power of observation, manual dexterity and physical prowess were involved. The Director of Medical Services said that such arrangements would call for close supervision involving a careful look at productivity.

8. Discussions with the Offices of Computer Services and Finance indicated that any change in the 80-hour period of accountability for pay and leave purposes would pose very real difficulties. At this time it would be next to impossible to handle the computer programming necessary to establish any basic work schedule other than an 80-hour pay period within the time limitation for implementation of the new financial reporting system.

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9. The Office of Personnel studies concluded that it would be feasible to establish non-standard work schedules for 24-hour operations, conforming to the 80-hour accountability period, when such schedules very clearly provide operational benefits to the Agency. The studies also concluded that the Deputy Director for Support is in the best position to review proposals for non-standard workweeks from an Agency viewpoint and to appraise the financial, personnel and medical factors involved.

10. Requests for irregular work schedules for 24-hour shifts would be reviewed on an individual basis prior to submission to the Deputy Director for Support. Each review would determine the appropriate accounting procedures for leave and pay purposes.

It is expected that the following guidelines would prevail in the determination of leave and pay accounting:

a. Employees at the GS-11 and below level would be paid overtime for work in excess of 80 hours in a two-week, 80-hour pay period.

b. Employees GS-12 through GS-14 may receive overtime payments for directed overtime worked in excess of 96 hours in a two-week, 80-hour pay period.

c. Employees entitled to Sunday, holiday or night differential pay would receive such pay, when appropriate, for hours worked not in excess of 12 within a regularly scheduled workday.

d. Annual and sick leave would be charged according to leave taken against the employee's established work schedule.

e. Otherwise the provisions of [] would remain unchanged and would pertain to the irregular work schedules. 25X1A

11. It is recommended that the following change to Headquarters Regulation [] Hours of Work, Leave, and Pay, be approved:

"In exceptional circumstances and when advantageous to operations which are staffed on a 24-hour basis, the Deputy Director for Support may approve work schedules which deviate from the above standards as long as the scheduled work hours equal 80 in a two-week, 80-hour pay period. Proposals for such irregular work schedules should be forwarded to the Deputy Director for Support through the Director of Personnel with the concurrence of the Deputy Director concerned. The Deputy Director for Support, when approving non-standard work schedules, shall also prescribe guidelines for accounting for leave, overtime, holiday and Sunday pay, and night differential."

/s/Harry B. Fisher

Harry B. Fisher

SECRET

SECRET

SUBJECT: Non-Standard Work Schedules

CONCUR:

25X1A [Redacted Signature]

Lawrence R. Houston
General Counsel

22 DEC 1971

Date

25X1A [Redacted Signature]

f John W. Coffey
Deputy Director
for Support

23 DEC 71

Date

The recommendation contained in paragraph 11 is approved: *

25X1A [Redacted Signature]

L. K. White
Executive Director-Comptroller

4 Jan 72
Date

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* For the indefinite future the Deputy Director for Support will obtain the concurrence of the Executive Director-Comptroller prior to the approval of any such proposal. Until we have had some time to experiment with such schedules, the Executive Director-Comptroller will expect quarterly reports from each component or activity for which an irregular work schedule has been approved.

LKW

LKW

ADMINISTRATIVE - INTERNAL USE ONLY

Approved For Release 2002/05/07 : CIA-RDP83-01004R000200050017-0

26 January 1972

MEMORANDUM FOR: Director of Personnel

SUBJECT : Non-Standard Workweek for Central Reference Service

1. The attached memorandum providing for 12-hour workdays for CRS Computer Operators is consistent with the memorandum on non-standard work schedules approved by the Executive Director-Comptroller on 4 January 1972. The savings of approximately \$450 per pay period result from requiring all employees (15) to work four hours of overtime (those hours over eight per day) for six days in a pay period. Thus, there is actually 360 hours of overtime in this proposed plan which the Agency intends not to pay compensation for.

2. The U.S. Code, Title 5, Section 5542 provides for overtime compensation where the workday exceeds eight hours (except for certain professionals and employees whose basic pay exceeds the minimum of GS-10, for whom the first 40 hours of duty in a workweek is the basic workweek). Nine of the employees are in GS-07, three in GS-09. I think there is a question as to whether such employees can be deprived of the right to overtime pay established by legislation. It is interesting to note that we propose to pay employees for Sunday, holiday, and night differential duty but not for overtime. All such premium pay is covered under the same basic legislation. If one is required, all are required. The Agency is saying in effect that it will select the legislation it wishes to follow and ignore the rest.

3. I suggest that any such proposal to ignore overtime legislation should be checked with the General Accounting Office. I believe any employees who are deprived of overtime pay under such circumstances would have a valid argument for compensation after retirement. The fact that these employees may consent to the arrangement makes no difference since the law does not provide for any such consent.

4. Some years ago in order to secure the Comptroller General's acceptance of our right to make federal pay legislation retroactive, we conceded that the Federal Pay Act applied to us. Can we now say that it applies to us only when we so wish?

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5. The Director of Central Reference believes the proposal is operationally advantageous, presumably because of the reduction in number of shift changes from 42 to 30. It seems questionable, however, whether employees can work efficiently for 12 hours at a time. Therefore, we have proposed a trial period of six months.

6. Before approval of this schedule I recommend that consideration be given to checking the deviation from general overtime legislation with the General Accounting Office.

STATINTL



Chief

Position Management & Compensation Division

Attachments

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1	Executive Director-Comptroller Rm 7D59, Hqs	3/7	wec/61P
2	Deputy Director for Support Rm 7D18, Hqs	MAR 1972	Rdnd
3	Director of Personnel Rm 5E56, Hqs	MAR 1972	D/Pers
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
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<p><i>File - I assume</i></p> <p><i>will see that standard rules</i></p> <p><i>are followed wherever</i></p> <p><i>they can be - to</i></p> <p><i>avoid unfair</i></p> <p><i>diff</i></p>			
<p>Remarks: Bill -</p> <p>Two more non-standard workweek proposals (the one you returned with a question will be back shortly). These and others come to you in accord with Colonel White's note of 4 January 1972. While DD/S has approval authority, Red felt it would be well they be seen by ExDir for awhile. (See Ref attached.) D/Pers will provide for the quarterly reporting the note asks for.</p> <p style="text-align: right;"><i>RS</i> Robert S. Wattles</p> <p>Atts: DD/S 72-0812 and 72-0857</p>			
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Assistant Deputy Director for Support 7D18, Hqs